

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3628 of 2020**

- Pramod Cherwa, S/o Gopi Ram Cherwa, Aged about 28 years, R/o Piparsot, PS & Tahsil Balrampur, District Balrampur-Ramanujganj (C.G.) **---- Applicant**

Versus

- State of Chhattisgarh, Through – Arakshi Kendra-Balrampur, District Balrampur-Ramanujganj (C.G.) **---- Respondent**

For Applicant : Mr. Dev Ashish Biswas, Advocate.
 For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.07.2020**

- The accused/applicant has moved his first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 30/2020 registered at Police Station– Balrampur, District Balrampur (C.G.) for the offence punishable under Sections 366, 376(1)(N) and 506 of Indian Penal Code.
- According to the prosecution story, in January, 2019 at 06:00 pm the accused took the prosecutrix to the jungle of Kusun Tongri near Chanan River and committed forceful sexual intercourse and after that on 08.02.2020, the accused took the prosecutrix near Sendur River and committed sexual intercourse, thereafter, an FIR was lodged on 04.03.2020 and offences under Sections 366, 376(1)(N) and 506 of IPC were registered.
- Learned counsel for the applicant submits that the applicant is innocent person who has been falsely implicated in the aforesaid case. He further submits that it is a case of the consent and the prosecutrix is major lady of 20 years and is fully aware of the consequences and also the medical examination has not supported the statement of the prosecutrix. He next contended that the applicant is in jail since 05.03.2020, therefore, he may

be granted bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned Counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of the applicant, as trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
- Accordingly, the bail application is allowed.
- It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/-, with one local surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge

Vasant